

N.A

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|-------------------------------|------------------------|---------------------|--|
| <b>Notice of Allowability</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                               | 10/705,760             | LIVINGSTON, TROY    |  |
|                               | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                               | Hoon Song              | 2882                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to response filed on 6/2/2005.
2. ☒ The allowed claim(s) is/are 2-6, 9-26, 28-30, 32-48 and 51-62.
3. ☒ The drawings filed on 13 September 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### ***Allowable Subject Matter***

Claims 2-6, 9-26, 28-30, 32-48, 51-62 are allowed over prior art.

The following is an examiner's statement of reasons for allowance:

Regarding claims 2-5, 9-10, 28-30 and 41-48, the prior art fails to teach a breast compression paddle for use with an x-ray mammography machine having an inclined portion with flexible section for compression of the breast with a second force as claimed in independent claims 2-5, 9, 28, 30, 41 and 45.

Regarding claims 6, 21-26, 32, 39 and 40, the prior art fails to teach a method of improving compression of the middle and interior breast tissue in a mammography system by tilting (pivoting) of a bucky assembly or tiltable cover on the bucky assembly toward a paddle as claimed in claims 6, 21, 24, 26, 32, 39 and 40.

Regarding claims 11-13, the prior art fails to teach a method of improving compression of the middle and interior breast tissue in a mammography system by compressing the breast tissue with an inclined compression surface located on a bucky assembly and hinged at a location away from an x-ray source so that the hinge does not obstruct the imaging of the posterior breast tissue where the breast joins the chest wall as claimed in independent claim 11.

Regarding claims 14-19, the prior art fails to teach a mammography method by compressing middle and anterior portions of the breast with a second force from an inclined compression surface and applying the second force beginning at an outward end of a first compression force to a middle and anterior areas to compress them with

the component of the second force being normal to the chest wall and being insufficient to force the initially compressed posterior tissue towards the ribs and out of the imaging area as claimed independent claim 14

Regarding claims 18-20, the prior art fails to teach that the first compression force is in the range of 25 to 40 pounds and the subsequent, second compression force is in the range of about 1- to 15 pounds as claimed in dependent claim 18.

Regarding claims 33-38, the prior art fails to teach a bucky for use with an x-ray mammography wherein the bucky is controllably tiltable in relation to a compression paddle as claimed in independent claims 33-35.

Regarding claim 51-58, the prior art fails to teach a paddle for a mammographic machine having a first posterior fixed section with a surface extending outwardly of the chest wall for compressing the posterior breast tissue and an x-ray transparent hinge section on the paddle between the posterior section and the anterior section at a location outwardly of the chest wall for hinging the sections together for relative movement to each other as claimed in independent claims 51, 52 and 54.

Regarding claim 59-62, the prior art fails to teach a method of compressing a breast in mammography by providing a movable second section on a paddle joint to a first rigid section at a common point spaced outwardly of the chest wall by predetermined distance of at least several centimeters and the second section being movable relative to the first section for compression of the middle and anterior tissue with a lesser compression force which is less than the first compression force as claimed in independent claim 59.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoon Song whose telephone number is (571) 272-2494. The examiner can normally be reached on 8:30 AM - 5 PM, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Glick can be reached on (571) 272 - 2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HKS

8/17/05  
HKS



DAVID V. BRUCE  
PRIMARY EXAMINER